

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

BRIAN KEITH MADDEN,)	
)	
Petitioner,)	
vs.)	NO. CIV-13-1350-HE
)	
(WARDEN) JIM FARRIS,)	
)	
Respondent.)	

ORDER

Petitioner Brian Keith Madden, a state prisoner appearing *pro se*, filed this action pursuant to 28 U.S.C. § 2254, challenging his conviction on two counts of first-degree murder. Consistent with 28 U.S.C. §636(b)(1)(B), (C), the matter was referred to Magistrate Judge Suzanne Mitchell, who recommends that habeas relief be denied.

Petitioner did not object to the Report and Recommendation and thereby waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996); *see* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts Magistrate Judge Mitchell's Report and Recommendation, and **denies** the petition for habeas relief. The court also **denies** a certificate of appealability as it finds petitioner has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

Dated this 7th day of Aug., 2014.

A handwritten signature in black ink, appearing to read "Joe Heaton", is written over a horizontal line. The signature is stylized with a large, sweeping loop on the left side.

JOE HEATON
UNITED STATES DISTRICT JUDGE